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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,781	12/29/2003	Frederick A. Jelley	60130-1734;02MRA364,368	6425
26096	7590	10/18/2005	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			BURCH, MELODY M	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/747,781	JELLEY ET AL.
Examiner	Art Unit	
Melody M. Burch	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 August 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) 7,9-11 and 16 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-6,8,12-15 and 17-22 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 12/29/03 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/31/05  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to provide proper antecedent basis for the term "predetermined gain" and also fails to provide proper antecedent basis for the phrase "moving the brake pad away from the rotatable brake member in response to a predetermined magnitude of gain in braking force" as claimed in claim 18.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 8, 12-15, 18, 19, 21, and 22 rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 3207267 to Beuchle et al.

Re: claims 1, 12, 13, 19, 21 and 22. Beuchle et al. show in figure 2 a self-energizing brake assembly comprising: a support 5,18 pivotally mounted at an angle relative to a rotatable member 1, and a brake pad 3,11,12 movable along the support between engaged and disengaged positions with the rotatable brake member to generate a braking force between the brake pad and the rotatable brake member.

Re: claims 8, 14, and 18. In an alternate interpretation of claim 1, Beuchle et al. show in figure 2 a self energizing brake assembly comprising a support 3 pivotally mounted at an angle relative to a rotatable member 1, and a brake pad 11,12 movable

along the support as disclosed in col. 2 line 71-col. 3 line 5 and in col. 3 line 15-18 between engaged and disengaged positions with the rotatable member and the limitation of the assembly comprising a drive actuator 8 to apply a force to the brake pad via intervening elements by decreasing the angle between the rotatable brake member and the support as disclosed in col. 3 lines 15-20.

Re: claim 15. Beuchle et al. show in figure 2 the limitation wherein the step a.) comprises slidably (via the movelement through slot 23 shown in figure 1) supporting the brake pad at an angle relative to the rotatable member and varying the angle relative to the braking force as disclosed in col. 3 lines 15-20.

4. Claims 1-6, 12-15, 17, and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by DE-1169218 (DE'218).

Re: claims 1, 12-15, and 18-22. DE' 218 shows in the figure a self-energizing brake assembly comprising: a support 19,25 pivotally mounted at an angle relative to a rotatable member 3, and a brake pad 13,17 movable along the support between engaged and disengaged positions with the rotatable brake member to generate a braking force between the brake pad and the rotatable brake member wherein the angle of the support is variable for controlling a gain in the braking force.

Re: claim 2. DE'218 shows the brake pad comprising a wedge 13 and a friction element 7,17,27 pivotally mounted to the wedge (via its connection to portion 17 which is pivotally mounted to the wedge as broadly recited).

Re: claim 3. DE' 218 shows in the figure the limitation wherein engagement between the friction element and the rotatable member drives the brake pad along the

support toward the rotatable brake member to increase braking force via element 11 riding up the ramp 9 of element 7.

Re: claims 4-6. DE' 218 shows the assembly comprising an adjustable member 27 biasing the support toward the rotatable brake member.

Re: claim 17. In an alternate interpretation of DE' 218 element 17 is supporting a brake pad 13 on an angle and elements 19 and 25 bias the brake pad toward engagement with the rotatable brake member with an adjustable member 19,25 which is adjustable by virtue of it being pivotable and translatable and moving the adjustable member in proportion to the gain in braking force.

***Response to Arguments***

5. Applicant's arguments filed 8/3/05 have been fully considered but they are not persuasive.

Applicant argues that Beuchle et al. fail to show a control of a gain in the braking force. In Applicant's invention the angle of the support 22 is varied to adjust the gain in braking action resulting from the action of the wedge between the support and the rotatable member. In the Beuchle invention the angle of portion 5 of the support is varied to adjust the gain in braking action resulting from the action of the humps 21 and the camming action between the support and the rotatable member, as broadly recited. Accordingly, the rejections using the Beuchle et al. reference have been maintained.

6. Applicant's arguments with respect to the remaining argued claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*mmb*  
mmmb  
October 5, 2005

*Melody M. Burch*  
10/5/05